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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,205	06/28/2004	Friedrich Heizmann	PD010084	5271
Joseph S. Tripoli Thomson multimedia Licensing Inc CN 5312 Princeton, NJ 08543-0028				
7590 08/10/2009			EXAMINER YU, HENRY W	
			ART UNIT 2182	PAPER NUMBER
			MAIL DATE 08/10/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/500,205

Applicant(s)

HEIZMANN ET AL.

Examiner

HENRY YU

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4,6,9 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,6,9 and 11-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### INFORMATION CONCERNING RESPONSES

#### *Response to Amendment*

1. This Office Action is in response to applicant's communication filed on May 28, 2009, in response to PTO Office Action mailed on December 1, 2008. The Applicant's remarks and amendments to the claims and/or the specification were considered with the results that follow.
2. In response to the last Office Action, no claims have been amended or cancelled. As a result, claims 1, 4, 6, 9, and 11-13 are now pending in this application.

#### *Response to Arguments*

3. Applicant's arguments filed on May 28, 2009, in response to the office action mailed on December 1, 2008, have been fully considered but are not persuasive.

Applicant's primary argument focuses on the idea that Profibus Technical Description (Order-No. 4.002, September 1999) and Iwazaki (Patent Number US 6,073,244) individually or combined only disclose a system that requires a continuous clock whereas claims 1 and 6 of the instant application recite a transfer pulse that occurs when transitions of the clock signal are not present on the clock line (e.g. when the clock is absent or has stopped) [**Applicant's arguments dates May 28, 2009, page 6**]. Concerning the "continuous clock," the term can be interpreted as either a continuous pulse (e.g. the pulse is always asserted high or always asserted low. An example is where a pulse occurs over more than one normal clock cycle) or the clock signal has a "continuous" (as in regular) periodic cycle. From the arguments, the

Applicant appears to be implying a clock signal that is not altogether periodic, which appears to contradict the written specification, particularly the passage on **[Page 9, lines 25-39]** to **[Page 10, lines 1-12]** which shows the existence of a periodic (as in a regular) clock signal. Furthermore, the claims do not disclose a clock signal that is an irregular signal as opposed to a periodic signal.

Furthermore, the Applicant has argued that certain pulses (e.g. start pulse and transfer pulse) occur during a first phase where transitions of the clock signal are present on the clock line and during a second phase where transitions of the clock signal are not present on the clock line. It is noted that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Examiner also notes that claims are given the broadest reasonable interpretation consistent with the specification (See *In re Morris*, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997). See MPEP § 2111 – § 2116.01 for case law pertinent to claim analysis). The claims are not specific as to whether (a) the start and transfer pulses *merely* occur in the presence or absence of transitions (e.g. the pulses occur primarily when there is a presence or absence of transitions, but the pulses' durations can occur beyond the presence or absence of transitions), or (b) occur *only* when there is a presence or absence of transitions (e.g. a pulse cannot occur when a transition is present, and likewise a pulse cannot occur when a transition is not present). The mere mention of a pulse occurring at a particular time without any further description in the

claims of the instant application does not preclude an interpretation that conforms to interpretation (a).

## **REJECTIONS BASED ON PRIOR ART**

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 4, 6, and 9** rejected under 35 U.S.C. 103(a) as being unpatentable over Profibus Technical Description (Order-No. 4.002, September 1999) (henceforth known as "Profibus") in view of Iwazaki (Patent Number US 6,073,244).

As per **claims 1 and 6**, "Profibus" discloses *"a method for setting an operating parameter in a peripheral IC (slave devices; Page 4, column 2, paragraph 4), the method comprising: transmitting the operating parameter from a central IC (the master device can send messages; Page 4, column 2, paragraph 3) via a bus connection to the peripheral IC, the bus connection being a serial bus connection (the system utilizes a RS-485 transmission protocol, with RS-485 being serial in nature; Page 5, column 2, paragraph 2)."*

"Profibus" discloses *"buffering the operating parameter in a preregister of the peripheral IC (output data is stored at the slaves but the output states remain unchanged, which is seen as a preregister being used to store the output data*

***that so far has no effect on the output states), a current operating parameter being stored in a working register of the peripheral IC (during sync mode, the slaves receive a sync command from their assigned master. However, the outputs of all addressed slaves are frozen in their current state. This is seen as a working register being used to memorize the unchanged output states; Page 15, column 2, paragraph 2)*** and “sending a transfer pulse from the central IC to the peripheral IC via the control line ***(the slaves receive a sync command from their assigned masters),*** the transfer pulse triggering transferring of the buffered operating parameter to the working register, wherein the buffered operating parameter becomes active in a working process of the peripheral IC ***(the output data are stored at the slaves, but the stored output data are not sent to the outputs until the next sync command is received; Page 15, column 2, paragraph 2).***”

Though “Profibus” discloses “sending a start pulse signaling a start of a data transmission...***(the next sync command, when received, causes the stored output data to be sent to the outputs; Page 15, column 2, paragraph 2)***,” “Profibus” does not explicitly disclose that it is via “*the bus connection...having a data line, a control line, and a clock line,*” “sending a start pulse signaling a start of a data transmission from the central IC to the peripheral IC via the control line,” or “wherein the start pulse is transmitted on the control line during a first phase where transitions of the clock signal are present on the clock line and wherein the transfer pulse signal is transmitted on the control line in a second phase where transitions of the clock signal are not present on the clock line.”

Iwazaki discloses the idea that *"the bus connection...having a data line (represented by the data signal in FIG. 2E. The idea of a data line is well known in the art, as shown by data line 106 in FIG. 9), a control line (represented by the control signal in FIG. 2D. The idea of a data line is well known in the art, as shown by control line 107 in FIG. 9), and a clock line (represented by the clock signal in FIG. 2A, as well as clock signal wire 6 in FIG. 1)"* and the idea of sending a start pulse signaling a start of a data transmission *"from the central IC to the peripheral IC (central processing unit accesses the peripheral processing units; Column 6, lines 26-28) via the control line (signals relating to the control (e.g. start) of data transmission are bit lines (represented by the fact that the signals clearly go from low to high, as opposed to the address and data signals which assert more than one bits at once), and hence can be seen as being sent on lines separate from those of the address and data; FIG. 2A-2F)."*

Iwazaki also discloses *"wherein the start pulse is transmitted on the control line during a first phase where transitions of the clock signal are present on the clock line (as shown in the second pulse of the bus start signal, where the pulse change occurs when the clock signal is high; FIGs. 2A and 2B) and wherein the transfer pulse (the focus is on the control signal; FIG. 2D) is transmitted on the control line in a second phase where transitions of the clock signal are not present on the clock line (focus is on the second pulse of the control signal, where the pulse change occurs when the clock signal is low; FIGs. 2A and 2D)."*

"Profibus" and Iwazaki are analogous art in that both relate to IC circuits, especially in connection and interface.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the device as disclosed by "Profibus" with the details concerning clock timing and separate lines for data, clock, and control as disclosed by Iwazaki, which notes that such structures are known in the art [FIGs. 9-10]. The idea of separate buses for control, data, and address is also useful in situations where certain controls/modules/components rely on a particular type of signal (which is more difficult if the signals are all transmitted over the same bus), as Iwazaki noted in [Column 6, lines 30], where monitoring is influenced by the presence of a start signal. Claim 6 discloses the same limitations as those in claim 1 above. Hence, this claim has been rejected accordingly.

As per claims 4 and 9, the combination of "Profibus" and Iwazaki discloses "*the method*" (see rejection to claim 1 above). "Profibus" further discloses "*transferring the register write address (head info) for writing to the preregister in the peripheral IC on the data line ahead of the operating parameter (the head info is written between the input/output data; Page 15, FIG. 11).*" Claim 9 discloses the same limitations as those in claim 4 above. Hence, this claim has been rejected accordingly.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Profibus Technical Description (Order-No. 4.002, September 1999) (henceforth known as "Profibus") in view of Iwazaki (Patent Number US 6,073,244) and in further view of Adams et al. (Patent Number US 7,120,427 B1).



As per **claim 11**, the combination of "Profibus" and Iwazaki discloses the "device" (see rejection to **claims 1 and 6** above, which also includes motivation to combine).

However, the combination of "Profibus" and Iwazaki does not disclose that *"the peripheral IC relates to a front-end IC for a communication arrangement for wireless data transmission and the central IC relates to a signal processing device, with means for modulation or demodulation of the mixed RF input signal and for further signal processing in baseband."*

Adams et al. discloses *"the peripheral IC (radio integrated circuit) relates to a front-end IC for a communication arrangement for wireless data transmission (wireless transceiver) and the central IC relates to a signal processing device (receive signal processor and transmit processor, which are located in a modem; Column 5, lines 1-8 and lines 20-24), with means for modulation or demodulation (Column 5, lines 1-8 and lines 20-24) of the mixed RF input signal (RF transceiver; Column 4, line 44) and for further signal processing in baseband (Column 4, lines 58-67; Column 17, lines 59-63)."*

"Profibus," Iwazaki, and Adams et al. are analogous art in that both relate to IC circuits, especially in the setting and transfer of data/parameters.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the device as disclosed by the combination of "Profibus" and Iwazaki to include components that focus on wireless communication and digital signal processing as disclosed by Adams et al.

The motivation for doing so is because Adams et al. notes that **[different radio applications require a different level of performance, and different levels of performance (Column 1, lines 54-55)]**. In such instances, it would be easier to have a wireless system that is configurable through variable parameters and settings rather than have hard-coded parameters and settings with regards to the appropriate conditions.

As per **claim 12**, the combination of "Profibus," Iwazaki, and Adams et al. discloses the "device" (see rejection to **claim 11** above). Adams et al. further discloses "the operating parameter relates to a gain setting for a receive gain in the front-end IC (gain settings...are set; Column 17, lines 35-39)."

As per **claim 13**, the combination of "Profibus" and Iwazaki discloses the "device" (see rejection to **claims 1 and 6** above, which also includes motivation to combine). However, the combination "Profibus" and Iwazaki does not disclose that the "device is configured as a send and receive device for wireless data transmission in accordance with the HIPERLAN2 standard."

Adams et al. discloses "device is configured as a send and receive device for wireless data transmission (**RF transceiver**) in accordance with the HIPERLAN2 standard (Column 19, lines 20-30)."

"Profibus," Iwazaki, and Adams et al. are analogous art in that both relate to IC circuits, especially in the setting and transfer of data/parameters.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the device as disclosed by the combination of "Profibus" and

Iwazaki to work within a device that handles wireless communication using the HIPERLAN2 standard as disclosed by Adams et al.

The motivation for doing so is because Adams et al. notes that **[different radio applications require a different level of performance, and different levels of performance (Column 1, lines 54-55)]**, and that wireless is becoming more widespread along with the many wireless protocols that are available **(Column 2, lines 4-5)**. In such instances, it would be easier to have a wireless system that is configurable through variable parameters and settings rather than have hard-coded parameters and settings with regards to the appropriate conditions.

#### **RELEVANT ART CITED BY THE EXAMINER**

6. The following prior art made of record and relied upon is cited to establish the level of skill in the applicant's art and those arts considered reasonably pertinent to applicant's disclosure. See **MPEP 707.05(c)**.
7. The following references teach data transfer as they pertain to IC circuits, especially in the setting and transfer of data/parameters.

#### **U.S. PATENT NUMBERS:**

3,749,889

#### **CONCLUDING REMARKS**

##### ***Conclusions***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENRY YU whose telephone number is (571)272-9779. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TARIQ HAFIZ can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. Y./  
Examiner, Art Unit 2182  
August 5, 2009

/Tariq Hafiz/  
Supervisory Patent Examiner, Art Unit 2182